

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

RESTORED IMAGES CONSULTING, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:14-CV-527-DGK
	)	
DR. VINYL & ASSOCIATES, LTD.,	)	
	)	
Defendant,	)	
	)	
v.	)	
	)	
CHRISTOPHER COLLINS,	)	
	)	
Third-Party Defendant.	)	

**ORDER ON THE ADMISSIBILITY OF EXHIBITS TENDERED DURING TRIAL**

This case involves a franchise agreement between Defendant Dr. Vinyl & Associates, Ltd. (“Dr. Vinyl”), and Plaintiff Restored Images Consulting, LLC (“Restored Images”), the sole member of which is Third-Party Defendant Christopher Collins. The parties tried their claims to the Court on January 12 and 13, 2016. During the trial, the Court took under advisement the admissibility of three exhibits: 27, 34, and 538. The Court now rules on their admissibility.

Exhibit 27 is a letter from the Texas Comptroller of Public Accounts which says that Dr. Vinyl did not timely file franchise tax reports in Texas from 1997 to 2002. Restored Images wants this exhibit to show that Dr. Vinyl did not provide any Uniform Franchise Offering Circulars to Restored Images, as required by the parties’ master franchise agreement. Restored Images, the exhibit’s proponent, has failed to show why Dr. Vinyl’s standing with the Texas Comptroller of Public Accounts is relevant to its ability to provide Uniform Franchise Offering Circulars. Therefore, the exhibit is excluded as irrelevant.

Exhibit 538 relates to a deposition of Kaye Davis (“Davis”), a Dr. Vinyl franchisee in Florida. Davis had her own master franchise agreement with Dr. Vinyl. The proffered testimony suggests that Dr. Vinyl excused her from selling franchises. Restored Images wants to admit this testimony to support its assertion that Dr. Vinyl, more likely than not, excused *Restored Images* from selling franchises.

This case concerns the contract between Dr. Vinyl and Restored Images, which must be interpreted within its own four corners. Kaye Davis’s separate contract, and thus her deposition, are irrelevant. Exhibit 538 is excluded.

Exhibit 34 is a Dr. Vinyl sales report for the Florida territory. Kaye Davis is this exhibit’s sponsoring witness. Because the Court excludes her testimony, it also excludes Exhibit 34.

**IT IS SO ORDERED.**

Dated: May 31, 2016

/s/ Greg Kays  
GREG KAYS, CHIEF JUDGE  
UNITED STATES DISTRICT COURT